

REMARKS

Applicant respectfully requests reconsideration of this application in light of the amendments made herein. Claims 1, 3-9, and 60-65 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0122271 to Coffin, et al. (hereinafter referred to as "Coffin '271"). Claims 2, 10, 11, 15-25, and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coffin '271 in view of by U.S. Publication No. 2004/0258507 to Coffin, et al. (hereinafter referred to as "Coffin '507"). Claims 2-14, 16-28, 61-70 have been voluntarily amended herein to correct an error in antecedence. Claims 12-14, 26-28, and 68-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Coffin '271.

Coffin '271 is directed to a data cartridge exchange drawer 16 that is configured to import and export data cartridges 14 into a data storage system 12 via a magazine 20. Coffin '271 provides a single level storage system 12 that uses a picker to pull a cartridge horizontally from magazine and move the cartridge to one of the drives 26 along the U-shaped track 52.

In contrast, claim 1 as amended features "a magazine comprised of a frame structure that defines a space for accommodating a plurality of data cartridges and an opening in the horizontal plane through which a data cartridge can be inserted/removed into/from the space in a vertical direction..." Coffin '271 discloses a magazine accommodating cartridges only in a vertical plane that are removable/insertable only in a horizontal direction. Because Coffin '271 does not disclose, teach or suggest this feature recited in newly amended claim 1, reconsideration and withdrawal of the present rejection of claim 1 are respectfully requested.

Claims 3-9 depend either directly or indirectly from claim 1 which, as previously discussed, is patentably distinguishable over Coffin '271 for at least the reasons that Coffin '271 does not teach or suggest all of the recited features in claim 1. Accordingly, claims 3-9 cannot be rendered anticipated by Coffin '271 and, therefore, reconsideration and withdrawal of the present rejection of claims 3-9 are respectfully requested.

Independent claim 60 as amended recites "a grasper for grasping a data cartridge from one of said at least two magazines and withdrawing said data cartridge from said cartridge magazines in a vertical direction and releasing a previously grasped data cartridge..." Coffin '271 discloses a magazine accommodating cartridges only in a vertical plane that are removable/insertable only in a horizontal direction. Because Coffin '271 does not disclose, teach or suggest this feature of newly amended claim 60, reconsideration and withdrawal of the present rejection of claim 60 are respectfully requested.

Claims 61-65 depend either directly or indirectly from claim 60 which, as previously discussed, is patentably distinguishable over Coffin '271 for at least the reasons that Coffin '271 does not teach or suggest all of the recited features in claim 60. Accordingly, claims 61-65 cannot be rendered anticipated by Coffin '271 and, therefore, reconsideration and withdrawal of the present rejection of claims 61-65 are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 2, 10, 11, 15-25, and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coffin '271 in view of Coffin '507.

Coffin '507 is directed to a cartridge handling apparatus that comprises a picker 30 and carriage 40 operatively associated with a lift assembly 42. The picker 30 is configured to grasp and move data cartridges in a horizontal direction whereby the lift assembly 42 can displace the picker in the vertical direction.

Claims 2, 10 and 11 depend directly or indirectly from claim 1 which, as discussed above, is patentably distinguishable over Coffin '271 for at least the reasons

that Coffin '271 does not disclose, teach or suggest all of the recited features in claim 1. Coffin '507 does not make up for the deficiencies of Coffin '271 because Coffin '507 does not disclose, teach or suggest “a magazine comprised of a frame structure that defines a space for accommodating a plurality of data cartridges and an opening in the horizontal plane through which a data cartridge can be inserted/removed into/from the space in a vertical direction...” Accordingly, claims 2, 10 and 11 cannot be rendered obvious in view of Coffin '271 over Coffin '507 and, therefore, reconsideration and withdrawal of the present rejection of claims 2, 10 and 11 are respectfully requested.

Independent claim 15 has been amended to recite, “a magazine comprised of a frame structure that defines a space for accommodating a plurality of data cartridges and an opening located in a horizontal plane through which a data cartridge can be inserted/removed into/from the space in a vertical direction...” Neither Coffin '271 nor Coffin '507 disclose, teach or suggest a magazine opening located in a horizontal plane or the insertion /removal of a data cartridge in a vertical direction. Because neither Coffin '271 nor Coffin '507 disclose, teach or suggest all of the recited features of claim 15, reconsideration and withdrawal of the present rejection of claim 15 are respectfully requested.

Claims 16-25 depend directly or indirectly from claim 15 which, as discussed above, is patentably distinguishable over Coffin '271 in view of Coffin '507 for at least the reasons that neither Coffin '271 nor Coffin '507 teach or suggest all of the recited features in claim 15. Accordingly, claims 16-25 cannot be rendered obvious in view of Coffin '271 over Coffin '507 and, therefore, reconsideration and withdrawal of the present rejection of claims 16-25 are respectfully requested.

Claim 66 depends directly from claim 60 which, as discussed above, is patentably distinguishable over Coffin '271 in view of Coffin '507 for at least the reasons that neither Coffin '271 nor Coffin '507 teach or suggest all of the recited features in claim 60. Coffin '507 does not make up for the deficiencies of Coffin '271 because Coffin '507 does not disclose, teach or suggest “a grasper for grasping a data cartridge from one of said at least two magazines and withdrawing said data cartridge from said cartridge

magazines in a vertical direction and releasing a previously grasped data cartridge...”

Coffin '507 discloses grasping cartridges only in a horizontal direction with the possibility of a magazine to accommodate cartridges for grasping in a horizontal direction. Because neither Coffin '271 nor Coffin '507 disclose, teach or suggest all of the recited features of claim 66, reconsideration and withdrawal of the present rejection of claim 66 are respectfully requested.

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Authorization To Charge Necessary Fees

The Commissioner is hereby authorized to charge any additional necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-3010.

Respectfully submitted,

Dated: _____

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Kenneth Altshuler
Reg. No. 50,551

Correspondence Address

HISCOCK & BARCLAY, LLP
200 HSBC Plaza
100 Chestnut Street
Rochester, New York 14604-2404
Telephone: (303) 449-6444 x1251
Telephone: (585) 295-4497
Facsimile: (585) 295-8453

Customer No.: 67,070

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